

TITLE 4: BUSINESS AND SPECIAL LICENSES, REGULATIONS
DIVISION 1: BUSINESS LICENSES AND REGULATIONS
Chapter 23: ISSUANCE OF STILL PHOTOGRAPHY PERMITS AND FEES
Sections:

- 41.2301 Purposes.
- 41.2302 Authority.
- 41.2303 Permits Required.
- 41.2304 Exemptions: Fees/Charges and Permits.
- 41.2305 Film Office.
- 41.2306 Notification of District.
- 41.2307 Film Office Liaison Functions.
- 41.2308 County Permits, Fees, Costs and Reimbursements.
- 41.2309 Billing Procedures.
- 41.2310 Indemnification.
- 41.2311 Insurance.
- 41.2312 Film Credits.
- 41.2313 Other Regulatory Provisions.

41.2301 Purposes.

Still Photography plays an important role in the economy of San Bernardino County that should be encouraged. This Chapter will further such activities within the County by authorizing a centralized Film Office that will coordinate the issuance of Still Photography Permits and fee processing and encourage such activity.

41.2302 Authority.

Pursuant to Sections 14999.20, 14999.21, 15335.22(d), 15338, and 65850.1(a) of the Government Code of the State of California, the Board of Supervisors has authority to adopt an ordinance governing the issuance of Still Photography Permits to engage in occasional commercial still photography on location, establishing a centralized County permit processing office, and authorizing use of a permit application form.

41.2303 Permits Required.

Except as set forth herein, a Still Photography Permit is required unless a Filming Permit has already been obtained. However a Still Photography Permit shall only be required if the photographic activity is done in the unincorporated area of San Bernardino County; uses lands that belong to, are managed by, or are under the jurisdiction of the County of San Bernardino; and otherwise requires the issuance of a permit by the County of San Bernardino.

All other uses for commercial or non-commercial purposes are not required to obtain a Permit even if the photographer uses tripods, flashbulbs, strobe lights, portable view cameras, or interchangeable lenses.

41.2304 Exemptions: Fees/Charges and Permits.

(a) Full Exemptions:

The following uses are exempt from the requirement of obtaining a Still Photography Permit, but must otherwise comply with all applicable laws, rules, and regulations:

- (1) Still photography at an existing approved film studio. A Still Photography Permit will only be required if photography is done away from a permanent facility approved for such use;
- (2) Still photography for private or family use;
- (3) Still photography for use in criminal or civil proceedings;
- (4) News media still photography;
- (5) Still photography for educational and governmental purposes;
- (6) Still photography for use in local origination programs for cable television systems franchised by the County;
- (7) Still photography of emergencies including, but not limited to, fire, floods and emergency police activities; and
- (8) Still photography on private or public land, except when the issuance of some other permit from the County is otherwise required.

(b) Partial Exemptions:

The following users are required to apply for a Still Photography Permit and to pay all fees, costs and reimbursements except for the Still Photography Permit Processing Fee referred to in Section 41.2308(a) and set forth in Section 16.0210B of the San Bernardino County Code, from which they are exempt:

- (1) Still photography for use by a charity; and
- (2) Still photography by a student who has submitted letter written on school letterhead by a school administrator or instructor stating that the student is currently enrolled in a recognized U. S. educational institution and that the still photographs shall not be commercially released in any manner whatsoever.

41.2305 Film Office.

The Board shall designate a liaison between persons seeking Still Photography Permits ("Permittees") and the County, which liaison shall be referred to as the "Film Office." In addition, the Film Office will promote still photography in San Bernardino County, will assist production companies in finding suitable locations within San Bernardino County, will maintain a location photograph library, will coordinate with local businesses for production company support, and will serve as a marketing agent for the County.

41.2306 Notification of District.

Upon the filing of an application for a Still Photography Permit, the Film Office will give written notification of the filing of the application to the County Supervisor for the district wherein the photography will be done.

41.2307 Film Office Liaison Functions.

The Film Office will act as liaison between Permittees and the County for obtaining Still Photography Permits and paying County fees and other costs. Each County department shall have final approval or denial authority for use of the County properties for which it is responsible, and for issuance of permits for which it is responsible. When necessary, the Film Office may facilitate direct contact between Permittees and any County department or employee. The Film Office shall remit to the County all fees, costs and reimbursements collected on behalf of the County.

(a) County Administrative Office – All requests for use of County facilities must be coordinated through the County Administrative Office or the designated department head for the facility for which the request is being made.

(b) County Fire Department - Permittees shall comply, at all times, with the Uniform Fire Code. On behalf of the County Fire Department, the Film Office will accept applications for fire safety permits. The Film Office will remit all County Fire Department fees and gather the required information and documentation for submittal to the County Fire Department. Once all requested information is received by the County Fire Department, the application will be reviewed. When approved, fire safety permits shall be delivered by the County Fire Department to the Film Office. The Film Office will then forward the fire safety permits to the Permittee. The hard copy of the fire safety permit will be maintained on file with the County Fire Department.

At the discretion of the County Fire Department, an event may require standby fire department personnel or equipment for public safety. These costs shall be paid as set forth hereafter.

(c) Sheriff's Department -

(1) Sheriff's Department's Facilities and Services.

The Film Office shall coordinate the assistance of the Sheriff's Department in photographic activities through the Public Affairs Division of the Sheriff's Department. The Sheriff's Department shall charge Permittees for use of Sheriff's Department equipment, facilities and services, and for reimbursement of the costs therefor.

(2) Bomb/Arson Unit.

On behalf of the San Bernardino County Sheriff's Department's Bomb/Arson Unit, the Film Office will accept applications for renewal and reactivation of explosive permits for special effects operators and will collect, and remit to the Sheriff's Department, all applicable fees. Applicants for new explosive permits will be required to present themselves in person at the Sheriff's Department for photographs and fingerprinting. The Film Office will remit all explosive permit fees to the San Bernardino County Sheriff's Department and forward the required documentation to the Sheriff's Department's Bomb/Arson Unit. A photocopy of the applicants' pyrotechnic/special effects operator's license must accompany the application.

Applicants for explosive permits, and holders thereof, shall at all times comply with all laws, regulations and ordinances concerning explosives and pyrotechnic devices including, but not limited to, Division 11 of the Health and Safety Code (Health and Safety Code Section 12000, et seq.), regulations promulgated by the State Fire Marshal, and Section 45.011 of the San Bernardino County Code.

(d) Department of Public Health, Division of Environmental Health Services - The Division of Environmental Health Services of the County will provide assistance to the Film Office as needed. All sites used for still photography shall be kept in a safe and sanitary condition. All trash shall be contained in proper receptacles and disposed of by a San Bernardino County permitted refuse hauler. All pumping of portable toilets must be done by a liquid waste hauler with a permit from San Bernardino County. Food vehicles and food caterers shall be approved and permitted by Environmental Health Services, if food is to be provided on site, unless otherwise agreed by Environmental Health Services. To expedite this process, the Film Office will gather the required information and documentation for submittal to Environmental Health Services. All required fees will be paid to the Film Office and forwarded to Environmental Health Services.

(e) County Parks and County Museums –

(1) Regional Parks - The Film Office will coordinate filming activity involving County Parks through the Department of Public Works, specifically the Regional Parks Division. The Film Office will accept applications for Still Photography Permits and gather all required documentation and information from the applicant. A completed application and supporting documentation will be submitted by the Film Office to the Regional Parks Division for its review and approval. The Regional Parks Division will determine if any park personnel will be required to be present during still photographic activity. The Regional Parks Division will forward approved permits to the Film Office and maintain a hard copy on file until such time as it may be destroyed pursuant to law.

(2) County Museum - The Film Office will coordinate filming activity involving County Museums through County Museum. The Film Office will accept applications for Still Photography Permits and gather all required documentation and information from the applicant. A completed application and supporting documentation will be submitted by the Film Office to County Museum for its review and approval. County Museum will determine if any museum personnel will be required to be present during still photographic activity. County Museum will forward approved permits to the Film Office and maintain a hard copy on file until such time as it may be destroyed pursuant to law.

(f) Transportation/Flood Control Department - On behalf of the Transportation/Flood Control Department, the Film Office will accept applications and fees for still photographic activities that require road encroachment, or other permits administered by the Transportation/Flood Control Department. The Film Office will obtain all necessary information from a Permittee and supply it to the Department. The Film Office will pay to the Transportation/Flood Control Department all fees and other monies collected from a Permittee. If the activity must be approved by the California Highway Patrol, a permit will not be issued until proof of such approval is submitted to the Transportation/Flood Control Department, directly or via the Film Office. When approved, the permit will be forwarded to the Film Office which will then forward the permit to the Permittee. The Transportation/Flood Control Department will retain the hard copy on file until such time as it may be destroyed pursuant to law.

(g) Airports Department - On behalf of the San Bernardino County Airports Department, the Film Office will accept applications and fees for still photography on County controlled airports. The Film Office will forward all required fees to the Airports Department, collect all necessary information and documentation from the Permittee, and provide it to the Airports Department. When approved by the Airports Department, the Still Photography Permit will be forwarded to the Film Office, which will then forward it to the Permittee. A hard copy of any permit issued by the Airports Department will be maintained on file with the Airports Department until such time as it may be destroyed pursuant to law.

(h) Building & Safety Division - When applicable, the Building and Safety Division will review and approve Still Photography Permit applications that involve the construction of new sets, or the physical alteration of existing buildings within the County unincorporated areas. This activity will be coordinated through the Film Office, which will accept applications from Permittees and will pay to the Building and Safety Division any fees that the Film Office collects on its behalf. The Film Office may refer Permittees to the Building and Safety Division when direct contact would expedite processing the permit application.

(i) Special Districts Department - On behalf of the Special Districts Department, the Film Office will accept applications and fees for still photography activities in areas under the jurisdiction of, or facilities managed or administered by, the Special Districts Department including, but not limited to, Board-governed special districts, County Service Areas, Lake Arrowhead Dam, and other facilities. Such facilities include various roads, cemeteries, parks and recreation areas, zoos, open space, water and sanitation facilities and other facilities throughout San Bernardino County. In addition to fees for use of areas, facilities, and services, Permittees shall pay a non-refundable fee for temporary use or closure of a road, the excavation of a trench, and the placement of meters and locks on hydrants used to provide water for the purpose of taking still photographs.

The Film Office will coordinate construction and safety inspections, where necessary, by the Special Districts Department and by the Building and Safety Division of any construction by Permittee acting under the jurisdiction of the Special Districts Department.

The Film Office will obtain all necessary information from the Permittee and supply it to the Special Districts Department. The Film Office will pay to the Special Districts Department all fees and other monies collected from the Permittee on behalf of the Special Districts Department. The Special Districts Department will retain the hard copy of any permits it may issue until such time as the permits may be destroyed pursuant to law.

41.2308 County Permits, Fees, Costs and Reimbursements.

Prior to the issuance of a Still Photography Permit, the Permittee must pay the applicable fees and deposits set forth herein, and in other applicable laws, ordinances, rules and regulations. Such fees shall be collected by the Film Office and paid over to the appropriate County department, except for the Still Photography Permit Processing Fees, which shall be retained by the Film Office.

(a) Film Permit Processing Fees - Still Photography Permit Processing Fees are set forth in Section 16.0210B of the San Bernardino County Code. Such fees shall be paid to the Film Office which shall keep them for payment of its services.

(b) County Fire Department Fees - In the event that any fire safety permits are required, they shall be obtained through the Film Office from the local fire department or County Fire Department, as appropriate. The County Fire Department will distribute information to, and coordinate actions with, local fire departments, as appropriate.

At the discretion of the fire department with jurisdiction over the area where the still photography will be done, an event may require fire department personnel or equipment for public safety. These costs shall be paid prior to the event. The County Fire Department shall charge the fees for fire safety permits set forth in Section 16.0211A(b) of the San Bernardino County Code, and shall charge for necessary fire department personnel or equipment pursuant to the Uniform Fire Code, as amended. Such fees may be paid to the Film Office, which will remit them to the appropriate fire agency.

(c) Sheriff's Department - The Sheriff's Department may negotiate directly, or through the Film Office, for use of Sheriff's Equipment, facilities and services, and for reimbursement of the costs thereof. In the event that a Class I Explosive is to be utilized for any part of the Permittee's activity, an Explosive Permit must be obtained from the San Bernardino County Sheriff's Department. Fees charged by the Sheriff's Department are set forth in Section 16.0226 of the San Bernardino County Code. Unless otherwise directed by the Film Office, the fees shall be paid by the Permittee to the Film Office prior to issuance of the permit. All fees shall be paid by the Film Office to the Sheriff's Office.

(d) Road Encroachment Permit, Trench Excavation, Flood Control Permits - If the photographic activity will involve the temporary use or closure of a County road or highway, excavation of a trench, or use or disturbance of a flood control channel, a non-refundable permit must be obtained through the Film Office from the San Bernardino County Transportation and Flood Control Department. These permits must be obtained even if the use is otherwise exempt pursuant to Section 41.2304. Fees for road use or closure, and fees for trench excavation are respectively set forth in Sections 16.0225(a) and (b) of the San Bernardino County Code. Fees concerning use, access and disturbance of flood control channels, and related matters, are set forth in Section 16.0212 of the San Bernardino County Code.

(e) Environmental Health Services - If, during the photographic activity the Permittee operates a food concession, the Permittee shall pay the fees set forth in Section 16.0213B of the San Bernardino Code, as amended. If a subcontractor of Permittee, or an independent contractor, provides a food concession, such person, and not the Permittee, shall be responsible for payment of the fees set forth in Section 16.0213B of the San Bernardino County Code, as amended.

(f) Airport Use Fees - The Film Office shall charge, collect, and remit to the Airports Department the fees set forth in Section 16.022 of the San Bernardino County Code.

(g) Museum Fees - If the services or facilities of the County Museum are used by the Permittee, the Permittee shall pay the fees and charges set forth in Section 16.0218 of the San Bernardino County Code, as amended, to the Film Office which shall remit them to the County Museum.

(h) Regional Park Fees - If using the facilities or services of the Regional Parks, Permittee shall pay the fees and charges set forth in Section 16.0223 of the San Bernardino County Code, as amended, or such other fees and charges as may be charged by the Regional Parks Division of the Department of Public Works. The fees and charges shall be paid to the Film Office, which shall immediately remit them to the Regional Parks Division.

(i) Special Districts Department - The Film Office shall charge, collect, and immediately remit to the Special Districts Department the fees set forth in Section 16.0226A of the San Bernardino County Code, as amended, and such other fees and charges as may be charged by the Special Districts Department.

The Film Office shall also collect any fees, including fees for coordinated permits, that the Permittee may need for water and/or sanitation services within the jurisdiction of the Special Districts Department. Additional fees may be collected for meters and locks that may be necessary for the use of hydrants to provide water for uses other than that of the County Fire Department.

(j) Other County Departments - If Permittee uses County services, or property owned, leased, or managed by a County department other than those listed herein, Permittee shall pay the Film Office such charges as are provided in the San Bernardino County Code, as amended, or that may be required by the department directly or through the Film Office. The Film Office shall collect such charges and forward them to the appropriate department.

41.2309 Billing Procedures.

All projected fees, reimbursements and costs must be paid to the Film Office prior to the issuance of a Permit. Upon completion of the project for which the Permit was issued, reimbursements and costs actually incurred shall be determined. Overpayments will be returned by the Film Office within 30 days from the conclusion of the activity. Underpayments will be billed to Permittee by the Film Office and are due within 30 days of the day the billing is mailed. Should the underpayments not be timely paid, the affected County department may pursue collection of the underpayment.

41.2310 Indemnification.

The Permittee agrees, as a condition of receiving a Still Photography Permit, to indemnify, defend and hold harmless the County of San Bernardino, the San Bernardino County Flood Control District and all Districts, County Service Areas, and other entities governed by the San Bernardino County Board of Supervisors along with their authorized officers, employees, agents and volunteers from any and all claims, actions, losses, damages, and/or liability arising out of the photographic activity from any cause or source whatsoever, including, but not limited to, the acts, errors or omissions of any person, and for any costs or expenses incurred by any of the aforementioned entities and individuals on account of any claim therefor, except where prohibited by law. Permittee further agrees to be responsible for payment of any medical charges incurred at any County facility as a result of injury to any person arising out of the photographic activity.

41.2311 Insurance.

(a) Types of Insurance - Without in any way affecting the indemnity provided herein, and in addition thereto, the Permittee shall, at its sole expense, maintain at all times the following types of insurance with limits as shown:

(1) Comprehensive General and Automobile Liability Insurance - This coverage to include contractual coverage and automobile coverage for owned, hired and non-owned vehicles. The policy shall have combined single limits for bodily injury and property damage of not less than one million dollars (\$1,000,000).

(2) Pyrotechnic Liability Insurance - In the event that a Class I Explosive permit is to be utilized for any part of the Permittee's Filming Activity, the Permittee will be required to obtain specific pyrotechnic coverage at an amount to be determined by the County Risk Manager as suitable for the scope of the planned pyrotechnic/special effects explosion(s). The minimum requirement for any pyrotechnic coverage policy shall be combined single limits for bodily injury and property damage of not less than two million dollars (\$2,000,000) per occurrence.

(3) Aircraft Liability Insurance - (when applicable), with combined single limits of \$10,000,000 for bodily injury (including passengers), death and property damage.

(4) Workers' Compensation - A program of Workers' Compensation insurance or a state-approved Self-Insurance Program in an amount and form to meet all applicable requirements of the Labor Code of the State of California, including Employer's Liability with \$250,000 limits, covering all persons providing services on behalf of the Permittee and all risks to such persons. Permittee shall also require all subcontractors to maintain such a program of Workers' Compensation insurance for all persons providing services on behalf of the subcontractors.

(b) Policy Provisions:

(1) Additional Named Insured - All policies, except for Workers' Compensation policies, shall contain additional endorsements naming the County and its officers, employees, agents and volunteers as additional named insured with respect to liabilities arising out of Permittee's photographic activities.

(2) Waiver of Subrogation Rights - Permittee shall require the carriers of the above required coverages to waive all rights of subrogation against the County, its officers, employees, agents, volunteers, contractors and subcontractors.

(3) Policies Primary and Non-Contributory - All policies required above are to be primary and non-contributory with any insurance or self-insurance programs carried or administered by the County.

(c) Proof of Coverage - Permittee shall, prior to issuance of the Still Photography Permit, furnish certificates of insurance to the Film Office evidencing the insurance coverage, including endorsements, above required, which certificates shall provide that such insurance shall not be terminated or expire, prior to expiration of the Still Photography Permit, without thirty (30) days written notice to the Film Office, and Permittee shall maintain such insurance throughout the period of the Permit.

(d) Insurance Review - The above insurance requirements are subject to periodic review by the County. The County's Risk Manager is authorized, but not required, to reduce or waive any of the above insurance requirements whenever the Risk Manager determines that any of the above insurance is not available, is unreasonably priced, or is not needed to protect the interests of the County. In addition, if the Risk Manager determines that heretofore unreasonably priced or unavailable types of insurance coverage or coverage limits become reasonably priced or available, the Risk Manager is authorized, but not required, to change the above insurance requirements to require additional types of insurance coverage or higher coverage limits, provided that any such change is reasonable in light of past claims against the County, inflation, or any other item reasonably related to the County's risk.

41.2312 Film Credits.

The County of San Bernardino requests to be listed on any credits.

41.2313 Other Regulatory Provisions.

Compliance with the provisions of this Chapter does not exempt a Permittee from compliance with other requirements of this Code with the laws of the State of California, and with the laws of the United States.

Ordinance 3712 (1998); Amended Ordinance 3896 (2003)